

**Court of Appeals, State of Michigan**

**ORDER**

DPG LLC v State of Michigan

Docket No. 260337

LC No. 04-001392-CZ

Stephen L. Borrello

Presiding Judge

Richard Allen Griffin

Donald S. Owens

Judges

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The Court orders that the motions for immediate consideration and to waive the transcript requirement of MCR 7.209 are GRANTED.

In lieu of granting the application for leave to appeal, the Court orders that defendants' motion for peremptory reversal is GRANTED. 2004 PA 362 is "as reasonably precise as the subject matter . . . permits", *Dep't of Natural Resources v Seaman*, 396 Mich 299, 309; 240 NW2d 206 (1976); *Sheridan Rd Baptist Church v Dep't of Education*, 132 Mich App 1 26; 348 NW2d 263 (1984), because factors other than price alone are involved. The act requires the board to determine whether the consideration offered represents a fair exchange in light of the potential economic value to the state of the proposed use of the property, and mandates that the board consider whether the proposed use of the property will create highly skilled jobs or foster technological research and development. The act does not confer arbitrary authority. Accordingly, we REVERSE the order denying summary disposition of plaintiffs' remaining claim and REMAND for entry of an order granting defendants' motion for summary disposition in its entirety.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 15 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk